

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL ULFSSON BONDE,

Plaintiff,

-against-

WEXLER & KAUFMAN, PLLC, et al.,

Defendants.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/16/2023

23-CV-2877 (JGK) (BCM)

**ORDER SCHEDULING DISCOVERY
CONFERENCE**

BARBARA MOSES, United States Magistrate Judge.

The above-titled action has been referred to Judge Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). (Dkt. 31.) All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Judge Moses will conduct a discovery conference on **October 30, 2023**, at **10:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, concerning the disputes discussed in the parties' letters at Dkts. 28-30 and 32.

Prior to the conference, and no later than **October 25, 2023**, the parties shall submit a joint letter, no longer than four pages, which (a) attaches defendants' complete privilege log, marked to show the 154 (or 161) items challenged by plaintiff (*see* Dkt. 28 at 2), and (b) addresses the following questions:

1. Have defendants actually retained a forensic expert?
2. Do defendants contemplate conducting a forensic examination of any party's computer(s), network(s), or email account(s) before conducting plaintiff's

deposition? If so:

- a. How long will the forensic examination(s) take?
 - b. What cooperation will defendants require from plaintiff?
 - c. Have the parties met and conferred in good faith regarding the required cooperation?
 - d. What steps did defendants take to arrange the forensic examination(s) during the first four months of the five-month-long fact discovery period?
3. Why, in defendants' view, is the question of which party was hacked the "key issue in this matter?" (*See* Dkt. 29 at 1.) Why, in plaintiff's view, is it not?
 4. Is there any reason why the depositions of defendants should not proceed promptly, in advance of the deposition of the plaintiff?
 5. In light of the foregoing, should the settlement conference in this matter, scheduled for November 2, 2023, proceed as scheduled, or be adjourned to a later date?

If the parties disagree as to any of the foregoing matters, they shall clearly indicate their respective views within the joint letter.

Dated: New York, New York
October 16, 2023

SO ORDERED.



— **BARBARA MOSES** —
United States Magistrate Judge